

REMARKS

Applicants reply to the Office Action mailed on October 4, 2005, within the shortened statutory period for reply. Claims 1-46 are pending in the application. The amendments are supported by the originally-filed specification, drawings and claims. No new matter has been introduced by these amendments.

The Examiner indicated that the terminal disclaimer filed on August 5, 2005, was approved. Applicants thank the Examiner for his consideration.

Rejections Under 35 U.S.C. § 112

The Examiner rejects claims 1-21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner suggests that, in Claim 1 "the second recitation be referred to as -said reader-." (Page 2). Applicants thank the Examiner for this suggestion and have amended claim 1 accordingly. Applicants respectfully submit that the pending claims 1-21 are in condition for allowance and reconsideration of the claims is requested.

Rejections Under 35 U.S.C. § 102

The Examiner next rejects claims 22, 26, and 32 under 35 U.S.C. § 102(e) as being anticipated by Fife et al., U.S. Patent No. 6,601,759 ("Fife"). The Examiner states that: "Fife discloses a card transaction system in which biometric information, possibly DNA, is compared at [the] time of transaction for authorization to use the card (col. 9 lines 19-61)." (Page 3). Applicants respectfully traverse.

Fife generally discloses a system and method for presentation of feedback cues to a user of an interactive payment system. While Fife discloses that "various biometric information may be obtained from the customer which may thereafter be correlated with a customer's account number" (col. 9, lines 47-50), Fife does not disclose a specific way to obtain the biometric information from a customer. As such, Fife does not disclose at least, "receiving a DNA scan at a DNA scan sensor in communication with a transponder, said transponder communicating with said transponder-reader transaction system," as recited in independent claim 22.

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Claims 26 and 32 directly depend from independent claim 22 and contain all of the elements thereof. Therefore, Applicants assert that claims 26 and 32 are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 26 and 32.

The Examiner advised Applicants that, under 37 C.F.R. § 1.56, Applicants are obligated to point out the inventor and invention dates of each claim that was not commonly-owned at the time a later invention was made. Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made and therefore, Applicants have complied with 37 C.F.R. § 1.56.

Rejections Under 35 U.S.C. § 103

The Examiner additionally rejects claims 23-25, 27-31, 33-46 under 35 U.S.C. § 103(a) as being unpatentable over Fife in view of Mann, U.S. Patent No. 6,446,862 ("Mann"). The Examiner admits that "Fife does not specifically disclose the DNA sampling on the card." (Page 3). However, the Examiner asserts that "Mann discloses DNA sampling on the card and transmitting data to a host. It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide a DNA sampling on the card as this would allow for current information to always be compared to authorized stored DNA, eliminating the use of the card by a non-authorized person." (Pages 3-4). Applicants respectfully traverse this rejection.

Mann generally discloses "a wearable or carryable means typically for being owned, operated, and controlled by an individual buyer, allows a purchase to be directed, at least in some parameters, by the buyer." (Abstract). While the Examiner states that "Mann discloses DNA sampling on the card and transmitting data to a host" (Page 3), the Examiner has not provided any specific details or citations to Mann regarding this rejection. Accordingly, Applicants respectfully request that the Examiner provide the specific section in Mann that supports such a statement.

Nonetheless, neither Mann, Fife, nor any combination thereof, teaches or discloses at least "receiving a DNA scan at a DNA scan sensor in communication with a transponder, said

transponder communicating with said transponder-reader transaction system," as recited in independent claim 22.

Claims 23-25, 27-31, and 33 variously depend from independent claim 22 and contain all of the elements thereof. Therefore, Applicants assert that claims 23-25, 27-31, and 33 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 23-25, 27-31, and 33.

With respect to independent claim 34, the Examiner states that "Fife does not specifically disclose the DNA sampling on the card. Mann discloses DNA sampling on the card and transmitting data to a host. It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide a DNA sampling on the card as this would allow for current information to always be compared to authorized stored DNA, eliminating the use of the card by a non authorized person." (Pages 3 and 4). Applicants respectfully traverse.

The Examiner has not provided any specific details or citations to Mann regarding this rejection. Accordingly, Applicants respectfully request that the Examiner provide the specific section in Mann that supports such a statement, for Applicants' own reading of Mann shows no disclosure, teaching or suggestion of DNA sampling on the card and transmitting data to a host.

Even if Mann discloses the step of relating DNA sampling on a card, neither Fife, Mann, nor any combination thereof, teaches or discloses at least, "detecting a proffered DNA scan at a sensor communicating with a reader communicating with said transponder-reader transaction system to obtain a proffered DNA scan sample," as similarly recited in independent claim 34.

Claims 35-46 variously depend from independent claim 34 and contain all of the elements thereof. Therefore, Applicants assert that claims 35-46 are differentiated from the cited references at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 35-46.

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance. No new matter is added in this Reply. Reconsideration of the application is thus requested. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Dated: December 15, 2005

By: 

Respectfully submitted,

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